

**VIRTUAL REGULAR MEETING OF WILMINGTON CITY COUNCIL
JULY 2, 2020 @ 6:30 P.M.**

www.WilmingtonDe.gov or www.WITN22.org

AGENDA

I. Call to Order

Prayer

Pledge of Allegiance

Roll Call

II. Approval of Minutes

III. Acceptance of Treasurer's Report

IV. Non-Legislative Business

Oliver	Sympathy Julie P. Cawley
Oliver	Sympathy Cashona Tate
Oliver	Sympathy Robert H. Roane
Oliver	Sympathy Brenda Lynn Boardley
Oliver	Sympathy Luther L. Truitt, Jr.
Oliver	Sympathy Mary Elizabeth Fisher Owens

V. Legislative Business

DIXON

#4836	A Resolution in Defense of Black Lives and a Commitment to Enacting Policies that Unequivocally Defend Black Life and Aim to Undo the Effects of Systemic Racism Affecting Black People in the City of Wilmington
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<u>Synopsis:</u>	<i>This Resolution is being presented by City Council for Council's review and approval. This Resolution provides examples of the City of Wilmington's history of racially motivated violence against Blacks and seeks to contextualize the City's own racially motivated acts of violence against the police, as well as against its own Black citizens. This Resolution solidifies and pledges that City Council will keep this evolving history of pain and healing at front-of-mind as the Legislative Body seeks solutions to preserve life and acknowledges input from Citizens and groups who agree that Black life in the City of Wilmington should be acknowledged as an extension of the City's history, as well as a motivation for a better community for everyone who lives, works and plays here, going forward.</i>
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GUY

#4837	An Ordinance to Amend Chapter 2 of the City Code Prohibiting the Use of Neck Restraints (1st & 2nd Reading)
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Synopsis: *This Ordinance is being presented by the City Council for Council's review and approval. This Ordinance amends Chapter 2 of the City Code to add a section prohibiting the use of neck restraints by any regular police officer and any emergency police officer.*

VI. Petitions and Communications

VII. Adjournment

Note: In following Governor Carney's Proclamation #17-3292, due to the outbreak of the COVID-19, public meetings are currently being conducted virtually to maintain social distancing and to keep all constituents safe. Members of the public are invited to join the City Council meeting by accessing the meeting as follows:

<https://zoom.us/j/96943497128> or log on to WITN22 website www.witn22.org or YouTube link <https://www.youtube.com/user/WITNWilmington/> or listen in only by calling one of the following phone numbers (929) 205-6099 or (301) 715-8592. You will be asked for the Webinar ID. Please enter **Webinar ID: 969 4349 7128** and then #.

Wilmington, Delaware
July 2, 2020

#4836

Sponsor:

**Council
Member
Dixon**

WHEREAS, the first enslaved Africans were brought to America as captives to what is now the Commonwealth of Virginia in 1619; and

WHEREAS, Black people were bought and sold as slave labor for nearly 250 years and suffered unspeakable acts of violence, including: assault, rape, mutilation, and murder at the hands of their captors; and

Co-Sponsors:

**Council
Member
Harlee
Gray**

WHEREAS, even at the founding of Wilmington, Delaware, and by no accident, many Africans were brought to the Swedish colony as enslaved skilled workers, because very few artisans were willing to make the trip from Sweden. Still, no records show that Africans had social status in the Swedish colony, because none were included by name in any documents, except for one, “Black Anthony.” Historical documents record Anthony as the first Black in Delaware territory, who was captured by the skipper of the Fogel Grip in 1638. In 1639, "Black Anthony" was delivered to Fort Christina and nine years later, he served as special assistant to Governor Printz; and

WHEREAS, in what has been called the Red Summer of 1919, here in the City of Wilmington, Delaware, on November 13, 1919 there was a violent racial riot between White and Black residents, when a robbery lead to the shooting of one police officer and the death of another. In retaliation, a mob of 300 Whites went rampaging through the Black part of town, when they encountered four Black men. The two parties shot an one another, and African American Bannel Fields was wounded with a shot to the head; and

WHEREAS, in April of 1968, yet another race riot occurred in the City of Wilmington, following the assassination of Dr. Martin Luther King, Jr. The riot ensued after peaceful protest in the City’s Rodney Square, transgressed to looting. No fatalities occurred, however significant injuries and arrests were recorded and many of the City’s iconic buildings and businesses burned. The calamitous events culminated in then-Governor Terry ordering the National Guard to patrol the streets of the city for the remaining nine months of that year –

reportedly the longest occupation of an American city by armed forces since the Civil War; and

WHEREAS, on May 30, 2020 thousands gathered, in Wilmington's Rodney Square to join Americans – White and Black, across the country - who decried the treatment and ultimate death of George Floyd, an African American man who was killed as a result of police brutality in Minneapolis, Minnesota. This well-planned, peaceful gathering devolved into looting and extensive property damage, not only to Downtown Wilmington, its businesses and residents, but then spread across northern Delaware; and

WHEREAS, just one week later, on June 5, 2020 a peaceful rally was held at the City's beloved Tubman-Garrett Park. Protestors marched up North King Street to the Leonard L. Williams Justice Center. At the event's culmination, despite heavy rain, heated verbal discourse between ralliers and the police, ended peacefully, when Police Chief Tracey and fellow Wilmington police officers agreed to leave their positions and walk with the group for eight minutes – which is about the length of time that the Minnesota police officer had his kneed on George Floyd's neck, ultimately leading to his death; and

WHEREAS, the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution were enacted following the end of this country's Civil War, which resulted in the abolishment of the practice of slavery and the extension of civil and legal protections to Black people who were formerly enslaved; and

WHEREAS, Jim Crow laws perpetuated the racist legal and social system existing prior to the Civil War and resulted in Black people being treated as second-class citizens; and

WHEREAS, as articulated in peaceful gatherings, this country's ugly history of state-sanctioned violence against Black people persists despite the Thirteenth, Fourteenth, and Fifteenth Amendments and the adoption of the Civil Rights Acts of 1964 and 1968; and

WHEREAS, even in our city, Black people, still generally, are unfairly targeted and profiled by law enforcement throughout this country at rates beyond what can be reasonably explained; and

WHEREAS, racial profiling of Black people by law enforcement and general citizenry results in disproportionate rates of arrest, incarceration, and overall exposure to the criminal legal system for Black people; and

WHEREAS, Black people continue experience inequalities across many aspects of daily living, including, but not limited to, housing, education, employment, and health as a result of this country's aforementioned history, laws, and law enforcement practices, which erodes the quality of life for Black people; and

WHEREAS, Black people are justifiably outraged by this country's devaluation of Black life and humanity; and

WHEREAS, approximately fifty-five percent (55%) of the residents of the City of Wilmington identify as Black or African American; and

WHEREAS, these residents deserve to be treated fairly, with dignity, and to have their humanity, existence, and contributions valued; and

WHEREAS, it is indisputable that Black lives matter.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Wilmington, Delaware will commit to enacting and supporting policies that unequivocally defend Black life and aim to undo the effects of systemic racism affecting Black people in the City of Wilmington.

Passed by City Council,

Attest: _____
City Clerk

SYNOPSIS: This Resolution provides examples of the City of Wilmington's history of racially motivated violence against Blacks and seeks to contextualize the City's own racially motivated acts of violence against the police, as well as against its own Black citizens. This Resolution solidifies and pledges that City Council will keep this evolving history of pain and healing at front-of-mind as the Legislative Body seeks solutions to preserve life and acknowledges input from Citizens and groups who agree that Black life in the City of Wilmington should be acknowledged as an extension of the City's history, as well as a motivation for a better community for everyone who lives, works and plays here, going forward.

**AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE
PROHIBITING THE USE OF NECK RESTRAINTS**

#4837

Sponsor:

**Council
Member
Guy**

WHEREAS, the City Council notes that in the past two weeks, thousands of people across the country, including the City of Wilmington, and around the world, have taken to the streets to protest injustice, racism, and police brutality against Black Americans. These First Amendment assemblies have given voice to deep anger and trauma engendered by acts of violence by the police against Black Americans and have energized a national movement around racism in policing, the use of force, lack of police accountability and transparency, and systemic racial injustice and inequity.

THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. Chapter 2 (“Administration”) of the City Code is hereby amended by adding the following to Article V (“Departments & Agencies Created by Ordinance”), Division 1 (“Generally”):

Sec. 2-237 Prohibiting The Use Of Neck Restraints.

(a) The Council of the City of Wilmington finds and declares that regular police and emergency police use of neck restraints constitutes the use of lethal and excessive force. This force presents an unnecessary danger to the public. Hundreds of thousands, if not millions, of people across the world, including in the City of Wilmington, have taken to the streets to peacefully protest injustice, racism, and police brutality against people of color. Police brutality is abhorrent and does not reflect the City of Wilmington’s values. It is the intent of the Council in the enactment of this Ordinance to unequivocally ban the use of neck restraints by regular police and emergency police officers.

(b) “Neck restraint” means the use of any body part or object to attempt to control or disable a person by applying pressure against the person’s neck, including the trachea or carotid artery, with the purpose, intent, or effect of controlling or restricting the person’s movement or restricting their blood flow or breathing.

(c) It shall be unlawful for:

(1) Any regular police officer and any emergency police officer (“officer”) to apply a neck restraint; and

(2) Any officer who applies a neck restraint and any officer who is able to observe the application of a neck restraint by an officer to fail to:

(A) Immediately render, or cause to be rendered, first aid on the person on whom the neck restraint is applied or was applied; or

(B) Immediately request emergency medical services for the person on whom the neck restraint was applied.

(d) Any officer who violates the provisions of subsection (c) of this section shall be terminated from employment.

SECTION 3. This Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor.

First Reading..... July 2, 2020
Second Reading.... July 2, 2020
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this _____ day of _____, 2020

Mayor

SYNOPSIS: This Ordinance amends Chapter 2 of the City Code to add a section prohibiting the use of neck restraints by any regular police officer and any emergency police officer.

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